

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 07-50076

MITCHELL SCOTT JOHNSON

DEFENDANT

O R D E R

Now on this 5th day of January, 2012, comes on for consideration the **Magistrate Judge's Report and Recommendation** (Doc. 59), to which no objections have been filed. The Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects and should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation** (Doc. 59) is hereby **adopted in toto**.

IT IS FURTHER ORDERED that, in accordance with the findings set out in the Report and Recommendation, plaintiff is not entitled to relief under 28 U.S.C. § 2255 and, therefore, no evidentiary hearing is warranted.

IT IS FURTHER ORDERED that, because plaintiff's claims for relief under 28 U.S.C. § 2255 are not viable, and an evidentiary hearing is not warranted, plaintiff's **Motion for Appointment of Counsel** (Doc. 55) to represent him in connection with his § 2255 motion is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence By a Person in Federal Custody (Doc. 43) is DENIED and this action is hereby DISMISSED.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT COURT